

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Fire Creek Ranch, LLC
One Research Center
Marion, IA 52302
2. Type of action: Application To Change A Water Right No. 76M 30025078
3. Water source name: Fire Creek, Tributary to Nine Mile Creek
4. Location affected by project: Fire Creek in the S1/2 of Section 21, T16N R23W
Missoula Co.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The applicant proposes to temporarily change a portion of water right claim nos. 76M 107876 and 76M 107877 from irrigation to instream flow for fisheries. The amount of water to be changed is 785 gpm (1.75 cfs) up to 239.2 acre-feet per year. Of this total amount of water, 224.41 gpm up to 88.02 acre-feet per year is supplied by water right number 76M 107877 with a priority date of November 18, 1892, and 561 gpm up to 151.18 acre-feet per year is supplied by water right number 76M 107876 with a priority date of April 30, 1951. The amount of water being changed to instream flow represents the consumptive use of these water rights from July 1 to October 15 annually, which is made up of ditch losses and crop requirements on 120 acres. These water rights will continue to be used for irrigation of 120 acres from April 1 to June 30 each year. Starting July 1 of each year the applicant will not divert water for irrigation and leave the water instream for the benefit of the fisheries resource. The instream fisheries use will occur in an approximately 3/4 mile reach of Fire Creek starting from the applicant's diversion in the SWSWSW of Section 21, Township 16 North, Range 23 West, downstream to the confluence of Fire Creek and Nine Mile Creek.

The DNRC shall issue a change authorization if the applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Historical Society	Cultural Resource File Search
Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Department of Fish, Wildlife and Parks does not list Fire Creek as chronically or periodically dewatered (per FWP Dewatering Concern Areas, May 2005).

Determination: No impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

The Department of Environmental Quality does not list Fire Creek as water quality impaired or threatened. The proposed project will not affect water quality. The purpose of the project is to leave water instream to the benefit of fisheries and the aquatic ecosystem.

Determination: No impact.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

To exercise the instream portion of this right, no means of diversion or conveyance are needed other than the natural stream channel. There will be no construction that would result in impacting the stream channel or riparian areas, or that would create a barrier to fish migration. There are no dams associated with this project. The project will not alter groundwater quality or quantity; therefore well construction will not be impacted. The project will result in flow modifications, however, the end result will be more water flowing in Fire Creek, to the benefit of aquatic life and cold-water fisheries.

Determination: No impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The proposed project will not impact any threatened or endangered fish, wildlife, plants or aquatic species. There will be no construction, soil disturbances, or other physical alterations to the landscape resulting from the proposed change in water use. The proposed project will not decrease the amount of water flowing in Fire Creek. The purpose of the project is to leave water in the stream to improve aquatic habitat through the protected reach. The upper reaches of Fire Creek are located in the Stark Mountain roadless area and provide quality habitat to Cutthroat and Bull Trout (letter from Gary Edson, District Ranger, Ninemile Ranger District). The proposed project will enhance connectivity of the upper reaches of Fire Creek with Nine Mile Creek and benefit fish migrations.

Determination: No impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

This project does not involve any wetlands.

Determination: No impact.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

This project does not involve any ponds.

Determination: No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

The proposed project will result in substantially less water being applied to soils for irrigation, as the applicant will only irrigate until June 30. The place of use for these water rights has been irrigated for many decades without soil degradation. The soils are not high in salts and saline seep has not occurred. The change to instream flow will not affect soil stability or moisture content.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

There will be no construction or other activities that will alter vegetative cover.

Determination: No impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no source of pollutants associated with the change in water use that will alter air quality.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

There will be no construction or other activities that could degrade unique archeological or historical sites.

Determination: No impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

None identified.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

There are no locally adopted environmental plans or goals.

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Reducing the applicant's diversion of Fire Creek water for irrigation may improve recreational activities provided by Fire Creek.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

The proposed change in water use may improve water quality in Fire Creek.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No XX If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.*
- (b) Local and state tax base and tax revenues? None identified.*
- (c) Existing land uses? None identified.*
- (d) Quantity and distribution of employment? None identified.*
- (e) Distribution and density of population and housing? None identified.*
- (f) Demands for government services? None identified.*
- (g) Industrial and commercial activity? None identified.*
- (h) Utilities? None identified.*
- (i) Transportation? None identified.*
- (j) Safety? None identified.*
- (k) Other appropriate social and economic circumstances? None identified.*

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. ***Describe any mitigation/stipulation measures:*** None identified.
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** No alternative identified.

PART III. Conclusion

1. ***Preferred Alternative*** N/A
2. ***Comments and Responses*** N/A
3. ***Finding:***
*Yes*___ *No* *XX* *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

Name of person(s) responsible for preparation of EA:

Name: Jim Nave

Title: Water Resource Specialist

Date: 03/28/2007